

Document #5360

11/14/90

MEMORANDUM

NOVEMBER 14, 1990

TO: BOSTON REDEVELOPMENT AUTHORITY and
STEPHEN COYLE, DIRECTOR

FROM: HOMER RUSSELL, ASSISTANT DIRECTOR FOR URBAN DESIGN AND
DEVELOPMENT
JUAN CARLOS LOVELUCK, PROJECT MANAGER
BRIAN DeLOREY, DIRECTOR OF MIDTOWN CULTURAL DISTRICT
PEGGY INGS, COORDINATOR, MIDTOWN CULTURAL DISTRICT

SUBJECT: ORDER OF TAKING (CONFIRMATORY IN NATURE)
SCHOOL-FRANKLIN URBAN RENEWAL AREA, PROJECT NO. MASS.
R-82A, THIRTY-THREE ARCH STREET

SUMMARY: THIS MEMORANDUM REQUESTS THE AUTHORITY TO ADOPT AN
ORDER OF TAKING (CONFIRMATORY IN NATURE) FOR THE 5,101
SQUARE FOOT PARCEL IN THE SCHOOL-FRANKLIN URBAN RENEWAL
AREA SET FORTH ON THE PLAN ENTITLED "PLAN OF LAND,
BOSTON, MASSACHUSETTS" DATED NOVEMBER 6, 1990 FOR THE
THIRTY-THREE ARCH STREET PROJECT.

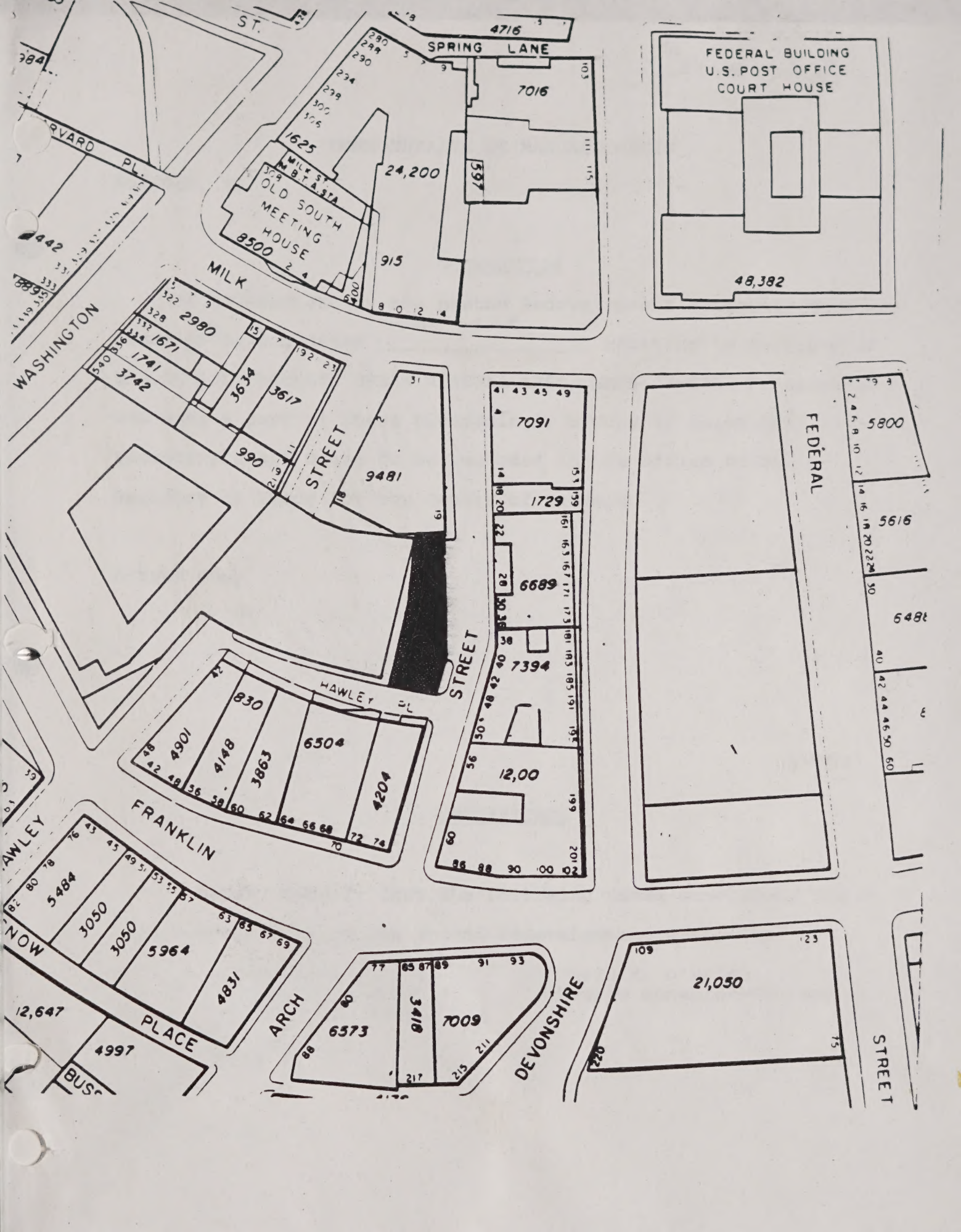
On September 13, 1990, the Authority authorized the Director to execute all documents deemed necessary, including a Land Disposition Agreement and Deed with Frank-King Associates Limited Partnership, concerning the transfer of a certain parcel of land owned by the Authority fronting Arch Street and containing approximately 5,100 square feet. Frank-King Associates Limited Partnership will construct an office building with above-grade parking in the Midtown Cultural District over the existing F.W. Woolworth department store and Meyers parking garage. The development will contain approximately 492,000 square feet of office space, 5,000 square feet of retail space, and up to 196 new, above-grade parking spaces.

This Order of Taking (confirmatory in nature) is for title perfection purposes only and does not involve the award of any damages.

Therefore, it is requested that the Authority adopt the appropriate Order of Taking (confirmatory in nature) for the 5,101 square foot parcel in the School-Franklin Urban Renewal Area set forth on the plan entitled "Plan of Land, Boston, Massachusetts" dated November 6, 1990.

An appropriate vote follows:

VOTED: That the Boston Redevelopment Authority execute an Order of Taking (confirmatory in nature) for the 5,101 square foot parcel in the School-Franklin Urban Renewal Area set forth on the plan entitled "Plan of Land, Boston, Massachusetts" dated November 6, 1990.



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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an
Order of Taking dated NOV. 14 1990 relating to portions of
the SCHOOL-FRANKLIN URBAN RENEWAL AREA, MASS. R-82A, be executed
and made a part of these proceedings, a copy of which the
Secretary shall cause to be recorded in the Office of the
Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

I hereby certify that the following names constitute the
entire membership of the Boston Redevelopment Authority:

Clarence J. Jones
James K. Flaherty
Michael F. Donlan

Francis X. O'Brien
Consuelo Gonzales-Thornell

A true copy

ATTEST:

Karis Immanian

Secretary of the Boston Redevelopment Authority

FILED/REGISTRY/DEEDS: *December 13, 1990*
BOOK *16628* Page *248* DOG *151*

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, in accordance with G.L. c. 121B and its predecessor Statute G.L. c. 121, adopted and filed in the Suffolk County Registry of Deeds, Book 8116, Page 264, an ORDER OF TAKING dated May 4, 1967, concerning and describing the SCHOOL-FRANKLIN URBAN RENEWAL AREA, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof; and

WHEREAS, the Boston Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G.L. c. 79, Sec. 40.

WHEREAS, the Authority is making this taking, which is confirmatory in nature, solely to cure and hence remove any cloud on the title to the property that may have arisen or if any there be.

NOW, THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B, and all other authority thereunto enabling and pursuant to the applicable provisions of said c. 79, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in ANNEX A (the "Parcel"), subject to (1) the rights of others to pass and repass on foot and by vehicles over the portion of the Parcel within the lines of the New Hawley Place Extension (as shown on the attached Plan to be recorded herewith); (2) the rights of others to pass and repass on foot and by vehicles over the balance of the Parcel; (3) the right of another to place, maintain, repair and replace subsurface footings along a portion of the Parcel that is within three (3) feet of Parcel A-6 (items (1), (2) and (3) above being

more specifically set forth in a Deed to Franklin Washington Redevelopment Corp. dated as of September 19, 1967 recorded with the Suffolk Registry of Deeds in Book 8149, Page 271); (4) a certain party wall agreement recorded with said Deeds in Book 1179, Page 152; (5) a certain Window Agreement recorded with said Deeds in Book 2282, Page 17; and (6) the right of another to use the portion of the Parcel within the lines of New Hawley Place Extension for all purposes (except for the parking of vehicles) for which public streets are used, as more specifically set forth in a Deed to Combined Jewish Philanthropies recorded with said Deeds in Book 8149, Page 203; together with any and all easements and rights appurtenant hereto, including the trees, buildings and other structures standing upon or affixed thereto, and including the fee, if any, in all public streets, highways and public ways in said area or areas or contiguous and adjacent to the property taken hereby, provided such fee is a part of said property, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto.

AND FURTHER ORDERED that in accordance with the provisions of said c. 79, as amended, awards are made by the Boston Redevelopment Authority for damages sustained by the owner or owners and all other persons, including all mortgagees of record, having any and all interest in each parcel described in ANNEX A and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award at any time prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in ANNEX B, which ANNEX B is not to be recorded in the Registry of Deeds with the Order of Taking.

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston
Redevelopment Authority, have caused the corporate seal of the
Authority to be hereto affixed and these presents to be signed in
the name and behalf of the Boston Redevelopment Authority

DATED: NOV. 14 1990

BOSTON REDEVELOPMENT AUTHORITY

By:

Colin J. Jones
Conrad J. Russell
Michael J. Kaula
Tom H. Brown
Jan K. Haly

ATTEST:

Kens Simonian
Secretary of the
Boston Redevelopment Authority

APPROVED AS TO FORM:

Robert F. McNeil
Robert F. McNeil SC
Chief General Counsel
Boston Redevelopment Authority

ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

SCHOOL-FRANKLIN URBAN RENEWAL AREA

AREA

A certain parcel of land situated in Boston, Massachusetts, Suffolk County, bounded and described as follows:

Beginning at a point, said point being the intersection of the westerly sideline of Arch Street (a public way) and the centerline of New Hawley Place Extension, a 12 foot wide private way;

thence running in a westerly direction along the said centerline of New Hawley Place Extension, by a curved line to the right of radius 401.75 feet a distance of 39.19 feet to a point;

thence turning and running in a northerly direction by a curved line to left of radius 892.00 feet a distance of 127.97 feet to a point;

thence turning and running by a line through brick party wall N 85° 58' 13" E a distance of 33.90 feet to the said westerly sideline of Arch St.,

thence turning and running along the said westerly sideline of Arch St. by the following three courses:

S 04° 01' 47" E a distance of 87.74 feet;
S 08° 14' 17" W a distance of 23.90 feet
S 15° 06' 14" W a distance of 21.17 feet;

to the point of beginning.

The above described parcel contains 5,101 square feet;

all of which is shown on plan by HARRY R. FELDMAN, INC. entitled "Plan of Land, Boston, Mass., scale 1 inch equals 10 feet and dated November 6, 1990" recorded herewith.

The owner of the parcel of land hereby taken is unknown.

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

SCHOOL-FRANKLIN URBAN RENEWAL AREA

AWARD OF DAMAGES

No awards are made with this Order of Taking.

